IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.828 OF 2006**

Co-operative Bank Employees union & Anr.Petitioners
Vs.
The Bharat Co-op. Bank (Mumbai) Ltd...Respondents
& Ors.

Mr. C.U. Singh, Senior Counsel with Mr. M.D.Nagle
for the Petitioner.
Mr. Y.R. Naik, for Respondent Nos. 1 to 23.
Mr. A. Munshi with Mr. Kunal Damle i/b. Udwadia &
Udeshi for Respondent
No.24.

CORAM: **F.I. REBELLO &**
MRS.V.K.TAHILRAMANI, JJ.
DATE: 8TH AUGUST 2006

P.C.

. Matter was heard yesterday and was kept for orders today. When the matter is called out on behalf of the respondents it is pointed out that in so far as the petitioner No.1 is concerned none of the members of the petitioner No.1 are members of respondent No.1. The petitioner No.2 was a member, who has ceased to be a member. Apart from that our attention is invited to Section 87 of the Multi State Co-operative Societies Act, 2002. From the record it is clear that the Reserve Bank of India has acted on certain complainats which have been received, but has chosen not to act under Section 87 considering the nature of the grievance. Once the power is conferred on the statutory authority and that statutory authority in the exercise of its discretion has

decided not to exercise the power under Section 87, in the absence of any allegation of malafides it will not be open to this Court to interfere with the exercise of that discretion. In the light of that petition dismissed.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**